

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

Banco Popular Dominicano, C. Por A.

V. DEFENDANT AND THIRD PARTY PLAINTIFF

Levi Strauss & Co.

THIRD PARTY SUMMONS IN A  
CIVIL ACTION

Case Number: 07 Civ. 6443 (LTS) (THK)

V. THIRD PARTY DEFENDANT

Tag-It Pacific, Inc.

To: Name and address of Third Party Defendant

Tag-It Pacific, Inc.  
21900 Burbank Blvd.  
Woodland Hills, California 91367  
Attn: President

**YOU ARE HEREBY SUMMONED** and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Mary Ellen Shuttleworth, Esq.  
HERRICK, FEINSTEIN LLP  
2 Park Avenue  
New York, NY 10016

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY  
(name and address)

COOLEY GODWARD KRONISH LLP  
1114 Avenue of the Americas  
New York, NY 10036  
Attn: Ronald R. Sussman, Esq.  
(212) 479-6000

-and-

Attn: Robert L. Eisenbach III, Esq.  
101 California Street, 5th Floor  
San Francisco, CA 94111-5800

an answer to the third-party complaint which is served on you with this summons, within \_\_\_\_\_ days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

AUG 27 2007

CLERK

DATE

(By) DEPUTY CLERK

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<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the third-party defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Executed on _____  Date </div> <div style="width: 60%;"> _____  <i>Signature of Server</i> </div> </div> <div style="text-align: center; margin-top: 20px;"> _____  <i>Address of Server</i> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**AFFIDAVIT OF SERVICE**

State of New York

County of New York

U.S. District Court Court

Index Number: 07 CIV. 6443 (LTS) (THK)  
Date Filed: 8/27/2007

Plaintiff:

**Banco Popular Dominicano, C. Por A.**

vs.

Defendant and Third:

**Levi Strauss & Co**

For:

Rapid & Reliable Attorney Service, Inc.  
160 Broadway  
Suite 1305  
New York, NY 10038

Received by Rapid & Reliable Attorney Service, Inc. on the 28th day of August, 2007 at 1:46 pm to be served on **Tag-It Pacific, Inc, 21900 Burbank Blvd., Suite 270, Woodland Hills, CA 91367.**

I, Jim Sands, being duly sworn, depose and say that on the **29th day of August, 2007 at 11:58 am, I:**

Served the within named company by delivering a true copy of the **Third Party Summons in a Civil Action; Answer with Counterclaim and Third party Complaint in Interpleader.** to **Lory Schnider as Authorized Agent** '

I certify that I am over the age of 18, have no interest in the above action, and am a Process Server, in good standing, in the judicial circuit in which the process was served.

I declare under penalty of perjury under the laws of the state in which the process was served that the foregoing is true and correct.



State of California  
County of Los Angeles

Subscribed and Sworn to (or affirmed) before me on the 31st day of August, 2007 By James Patrick Sands personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

[Signature]  
NOTARY PUBLIC

[Signature]  
Jim Sands  
914

Rapid & Reliable Attorney Service, Inc.  
160 Broadway  
Suite 1305  
New York, NY 10038  
(866) 227-1877  
Our Job Serial Number: 2007001457